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Albania

Court Repeals Law Article Granting Government Unchecked Surveillance Powers

<https://exit.al/en/2021/07/05/court-repeals-law-article-granting-government-unchecked-surveillance-powers/>

July 5, 2021 - From: Exit News



The Constitutional Court of Albania has repealed an article in the Law on State Police that granted it the right to wiretap, surveil and track citizens without a warrant from the prosecution office.

The Socialist majority granted extra powers to the police in February 2020, when the Constitutional Court was not functional due to the decimation of its members by the vetting. Prosecution offices opposed the legal amendments, which President Meta vetoed and returned the law to parliament for review. He argued that it violates the separation of powers and independence of the judiciary.

In February 2021, Albania's Ombudsman and the Albanian Helsinki Committee asked the Constitutional Court to strip the police of these newly granted rights for being in violation of the Constitution.

In their ruling on Monday, the court stipulated that Article 131 of the law restricts the constitutional right to privacy, and dropped the said amendments.

160 Citizens File Complaint Against Albania's Ruling Party for Missuse of Personal Data

<https://exit.al/en/2021/07/19/160-citizens-file-complaint-against-albanias-ruling-party-for-missuse-of-personal-data/>

July 19, 2021 - From: Alice Taylor



Some 160 citizens have filed a complaint against the Socialist Party for the misuse of their personal data. The lawsuit was filed today at the Special Court Against Corruption (SPAK) by the youth organization Guxo.

They have demanded the following:

- That the collection processing and publication of data by the PS be deemed illegal;
- That all personal data be deleted from PS servers, computers, telephones, and mobile devices;
- That the PS be punished with administrative sanctions.

The action comes three months after a database containing the personal data of 900,000 voters in Tirana, was leaked to the media and subsequently shared publicly. The database included name, father's name, phone number, voting center, place of work, ID card number, and observations on the individual's life, work, and political affiliation. It's alleged this data came from the Civil Registry that only the government, i.e., the PS, has access to.

Data such as the personal observations were carried out by a patron – an individual appointed by the party to 'spy' on various citizens and report back. The list also included the name of each person's patron. Patrons numbered some 70,000 people including administrative employees, municipal staff, armed forces, police, kindergarten and school teachers, Albanian Post, Albcontrol, and the Civil Registry itself.

While all political parties in Albania operate a similar kind of patronage system, the fact data was allegedly taken from the Civil Registry and then leaked, makes it more concerning. It is not known how the database ended up in the hands of the Albanian media and who leaked it. Furthermore, the PS has taken steps to normalize the patronage system and even praise them for their contribution.

The Courts previously tried to seize the servers of the media portal that published the scandal, but this was stopped by an extraordinary intervention from the European Court of Human Rights, and then the Tirana Court.

The Courts have not since taken any public action against the PS or government. Likewise, the government has not taken any steps to change people's ID numbers or advise citizens on how to protect themselves from identity theft.

Guxo said in a press release:

"Young people consider it unacceptable that their data is collected, processed, and published illegally for electoral interests."

The PS has not acknowledged that the leaked database belongs to them but they have also claimed that such activities are normal and patrons are volunteer members of the party.

EU Gives Another EUR 9 Million for Albanian Justice Reform

<https://exit.al/en/2021/07/23/eu-gives-another-eur-5-million-for-albanian-justice-reform/>

July 23, 2021 - From: Alice Taylor



The European Union is set to give another EUR 9 million to Albania's justice reform. To date, the project has cost the EU some EUR 50 million.

EU Ambassador to Tirana Luigi Soreca spoke today at a conference to celebrate five years of justice reform. He said: "Albania must leave the past behind and move towards the EU. If you join forces, everything is possible. Putting the reform in line has been difficult because it targets corruption and punishment." He added that "implementation requires pragmatism and leadership, and to stand up and continue even when results are difficult." Soreca said that the reform is one of the most important steps taking by the country since the fall of communism 30 years ago.

The reform has seen the dismissal or resignation of around half of the country's judges and magistrates. Out of 420 individuals that have passed through the process, 155 were dismissed, 55 resigned, 174 were confirmed, 8 have terminated the process, and three have been suspended for one year.

With not enough new candidates to fill the roles, huge backlogs of tens of thousands of cases are currently present in all the courts of the country. Furthermore, the Constitutional Court and High Court were out of action for almost two years, due to the reform.

Concerns have also been raised about the results of those who pass the vetting. Additionally, some of the new institutions set up within the justice sector, have been populated with those that allegedly worked in the judiciary of the communist regime. Furthermore, citizen trust in the reform and its results continues to decline year-by-year with the vast majority believing it's not fit for purpose.

Bosnia and Herzegovina

Outgoing High Representative Inzko introduces legal amendments sanctioning genocide denial

<https://europeanwesternbalkans.com/2021/07/23/outgoing-high-representative-inzko-introduces-legal-amendments-sanctioning-genocide-denial/>

July 23, 2021 - by EWB



Valentin Inzko; Photo: Office of High Representative

SARAJEVO – Outgoing High Representative to Bosnia and Herzegovina Valentin Inzko introduced amendments to the country's Criminal Code today, sanctioning the glorification of war criminals convicted by final and binding judgments and the denial of genocide, crimes against humanity and war crimes.

According to the official statement, the amendments to the BiH Criminal Code aim to address the inadequacy of the currently applicable legal framework of Bosnia and Herzegovina, which does not offer an adequate response to the issue of hate speech.

The High Representative believes that the lack of acknowledgment, accountability and redress for victims of mass atrocities and systematic abuses has devastating effects on society.

He said that the citizens of Bosnia and Herzegovina have waited many years for their elected representatives to legislate this very serious issue.

“However, every effort to do so was blocked! During that time, the situation has gotten worse, and is now getting out of hand! By advancing various conspiracy theories, some political leaders are openly praising the finally convicted war criminals, denying that the Srebrenica genocide ever took place, while some ordinary citizens are following their cues and narratives”, Inzko stated

The High Representative emphasized that his interventions in the criminal legislation have nothing to do with collective guilt, but instead they deal with individual responsibility, explaining that he would like to reject in advance any potential manipulations which might claim that these legislative amendments are directed against one of the three peoples.

Inzko will relinquish the position of High Representative, which he held since 2009, on 1 August, his successor being Christian Schmidt of Germany. The High Representative explains why, at the end of his term, he has reached for the Bonn powers to amend the BiH criminal legislation.

“My conscience dictates that I have no right to end my term while the convicted war criminals are being glorified. I have no right to leave such a situation to the tormented citizens of this beautiful country and to my successor. I have no right to ignore the verdicts of The Hague Tribunal, which was established by the UN Security Council, and I am responsible for the civilian implementation of the peace process”, Inzko said.

The move was welcomed by the Bosniak and rejected by Serb political leadership.

Presidency Member Šefik Džaferović welcomed the High Representative’s decision. “The High Representative has thus fulfilled his obligation to the victims, to his conscience, but also to the Dayton Peace Agreement, because the denial of genocide and the celebration of criminals is a mechanism that seriously undermines trust among nations and endangers peace,” he said.

Presidency Member Milorad Dodik, on the other hand, said that Republika Srpska “rejected” the law and that there was no genocide in Srebrenica. “Serbs must never accept this, this is the last nail in the coffin of BiH,” he added, Nezavisne report.

Bosnia Chief Prosecutor Gordana Tadić Axed for ‘Negligence’

<https://balkaninsight.com/2021/07/26/bosnia-chief-prosecutor-gordana-tadic-axed-for-negligence/>

July 26, 2021 - Haris Rovcanin, Sarajevo, BIRN

In a ruling that may be appealed, Bosnia’s top judicial body said it was removing the Chief Prosecutor for professional negligence – and for repeatedly ignoring its decisions.

The Disciplinary Commission of Bosnia’s High Judicial and Prosecutorial Council, HJPC, the country’s most senior judicial body, has axed Gordana Tadić as Chief Prosecutor of Bosnia and Herzegovina, it announced on Monday, citing professional negligence among other issues.

It said it had established her responsibility for offences “not only involving the performance of the prosecutorial function, but also other activities relevant to the prosecution’s business, thus showing negligence ... in performing official duties and failure, for unjustified reasons, to act in accordance with the decisions ... of the Council,” the HJPC statement announced.

A disciplinary lawsuit was filed against Tadic in early April 2021, but the disciplinary office dropped one count accusing her of damaging the reputation of the prosecutor’s office in relation to an unfounded request for payment of claims related to the rent of an apartment.

According to the lawsuit, Tadic was negligent in the performance of official duties, knowingly ignoring the order of the HJPC to assign cases to prosecutors through the automatic distribution system, known as the TCMS, during her term as chief prosecutor. She was also charged with failing, for unjustified reasons, to act in accordance with the decisions of the Council, concerning the failure to ensure the initiation of personal data protection procedures by applying the Law on Protection of Classified Information, security checks of the staff of the Prosecutor’s Office that handle classified information, as well as the Council’s order that all Bosnian judicial institutions implement all measures of the said law.

At a hearing on July 12, the disciplinary office requested that measures be imposed on Tadic for non-fulfillment of decisions of the HJPC. The defence insisted that no violation had been committed.

Tadić was appointed Chief Prosecutor of Bosnia in January 2019. She had previously been Acting Chief Prosecutor since September 2016, following the suspension of Goran Salihović.

This decision can be appealed to the Second Instance Disciplinary Commission.

Bulgaria

Former Ministers and Politicians Involved in Vote-Buying Says Caretaker Interior Minister Rashkov

<https://www.novinite.com/articles/210261/Former+Ministers+and+Politicians+Involved+in+Vote-Buying+Says+Caretaker+Interior+Minister+Rashkov>

July 1, 2021 - Politics



facebook

"There are nearly 100 signals for buying and selling votes in the law enforcement services. Among them is a signal for buying votes in the northwestern region from a well-known politician from an "ethnic party". This was announced by Interior Minister Boyko Rashkov at a briefing dedicated to security measures for upcoming elections.

The signals for buying votes so far are 97, but only for 9 of them have been initiated official criminal investigation. A signal from Kyustendil is also being checked.

According to the minister, a former interior minister (Rashkov did not specify name) met with a former regional governor and another regional governor on leave for illness to discuss how to attract 15,000 Macedonians with Bulgarian citizenship to vote in Bulgaria.

In addition, Rashkov announced that an investigation is currently underway into a vote-buying signal in the Vratsa, Montana and Vidin regions by a well-known "ethnic party" politician.

The minister did not want to specify which politician was in question or which party.

European Commission refers Bulgaria to ECJ over national register interconnection

<https://sofiaglobe.com/2021/07/15/european-commission-refers-bulgaria-to-ecj-over-national-register-interconnection/>

July 15, 2021 - Written by The Sofia Globe staff in Bulgaria - European Commission refers Bulgaria to ECJ over national register interconnection



The European Commission said on July 15 that it has decided to refer Bulgaria to the EU Court of Justice (ECJ) for “continuously failing to connect its national business register to the Business Registers Interconnection System (BRIS),” which breached EU rules on company law.

Bulgaria had until June 8 2017 to connect to BRIS, but was yet to do so despite repeated calls from the Commission, including the opening of infringement proceedings through a letter of formal notice in July 2020, followed by a reasoned opinion in February 2021.

“As a result, none of the functions of BRIS are available concerning Bulgarian companies. More specifically, Bulgaria’s failure to connect to BRIS makes it complicated for EU citizens, companies and professionals to obtain relevant information on Bulgarian companies,” the EC said in a statement.

“Furthermore, without BRIS, business registers cannot cooperate in cross-border mergers that involve Bulgarian companies or in procedures related to cross-border branches of Bulgarian companies. This is why the Commission decided to refer Bulgaria to the Court of Justice of the European Union,” the statement said.

If the ECJ rules that Bulgaria is in breach of EU law, the country would be required to comply with the judgment or risk being imposed financial penalties that scale up depending on the length of the breach.

As part of its July 2021 infringements package, the EC also opened three new cases against Bulgaria, including one relating to a 2015 ECJ ruling that required the country to fully comply with the EU's directive on landfills.

"Although Bulgaria ensured that all the 113 substandard landfills covered by the judgement stopped accepting waste at the end of 2017, six years after the judgement of the Court, 43 of these sites have still not been fully closed and rehabilitated," the EC said.

Bulgaria now has two months to comply. If it does not, the Commission said that it may decide to refer Bulgaria back to the Court of Justice of the European Union, which could result in a financial penalty being imposed.

In the other two cases, the Commission called on Bulgaria to comply with the directive on the posting of workers and to remove the requirement of a certificate of mental fitness for professional drivers, which breached two EU directives.

The EC also advanced three existing cases by sending reasoned opinions, asking Bulgaria to improve its national rules on the prevention of major accidents involving dangerous substances; to fully implement EU legislation on the right of access to a lawyer; and to correctly implement EU rules on airport charges at Sofia Airport.

In rule of law report, EC reiterates concerns about Bulgaria's Prosecutor-General

<https://sofiaglobe.com/2021/07/20/in-rule-of-law-report-ec-reiterates-concerns-about-bulgarias-prosecutor-general/>

July 20, 2021 - Written by The Sofia Globe staff in Bulgaria



The second rule of law report by the European Commission (EC), released on July 20, has reiterated concerns about the extensive influence, lack of accountability and effective invulnerability from criminal investigation of the country's Prosecutor-General. The release of the report coincided with a motion to the Supreme Judicial Council, to be discussed on July 22, to recommend the removal of Ivan Geshev from that post, and moves to air in the newly-elected National Assembly allegations against Geshev by the caretaker interior and justice ministers.

The EC report said that the lack of a possibility for an effective criminal investigation concerning the Prosecutor-General and his or her deputies had been a long-standing issue which had been raised not only by the EC but also by the European Court of Human Rights and the Council of Europe.

"The combination of the powers of the Prosecutor-General together with his position in the Supreme Judicial Council results in a considerable influence within the Prosecutor's Office, potentially in the Supreme Judicial Council (both in the Prosecutorial Council and in the Plenary) and within the magistracy," the report said.

A new law on the Prosecutor-General and his/her deputies had entered into force, the report said, but added that in the meantime, that same law had been challenged in the Constitutional Court, which had declared it unconstitutional. "As a consequence, the challenge with the accountability and criminal liability of the Prosecutor-General remains."

Concerns related to the composition and functioning of the Supreme Judicial Council also remained, the EC said. "A reform on this matter had been proposed in a draft new constitution but this was ultimately not adopted."

The report noted that the Inspector General and the Inspectors of the Inspectorate to the Supreme Judicial Council were continuing in office in spite of their terms having ended in April 2020.

The promotion system within the judiciary raised concerns as appointments of judges to higher positions had not been carried out as per the ordinary procedure of open competition, the report said. Despite legislative efforts, digitalisation of justice is still lagging behind in practice.

The report said that efficiency of the administrative justice system was showing “significant progress”. The implementation of the institutional reforms on anti-corruption has been consolidated, the report said. It said that “significant challenges” remain concerning the effectiveness of measures related to the integrity of public administration, lobbying and whistleblowing protection, where no dedicated regulation exists.

“Despite the increased investigative activity and the reinforcement of resources, final convictions for high-profile cases of corruption remains low and a solid track-record of final convictions remains to be established in this respect.” The lack of transparency of media ownership remains a source of concern, the EC said. The lack of regulatory safeguards for fair and transparent allocation of state advertising continued to raise concerns, it said.

The report said that political interference in the media continued to be a pressing issue. Lack of legislation preventing politicians and parties from owning media outlets appeared to be an important factor, and a higher risk in this regard was registered in the TV and newspaper sectors.

“The Covid-19 pandemic has negatively affected media pluralism and no measures supporting directly the media sector have been put in place,” the report said. The pandemic had affected media pluralism and protection of journalists mainly in economic terms, due to salary cuts and delayed payments, with a severe impact on regional journalism, as highlighted by stakeholders. “It is reported that some of the smaller and regional media went bankrupt as a consequence of the pandemic.” The working environment and safety of journalists continue to raise concerns, the report said, noting that six new alerts regarding attacks and harassment of journalists were registered on the Council of Europe Platform to promote the protection of journalism and safety of journalist since the last report, which was issued in September 2020.

Regarding checks and balances, the limited use of impact assessment and public consultation in the legislative process remains a concern, especially for draft laws proposed by Parliament. “Similar concerns also remain with the practice of introducing important changes through amendments to other unrelated legal acts, which bypass public consultation and impact assessment requirements,” the EC said.

Bulgaria Censured for Expelling Turkish Journalist Fleeing Arrest

<https://balkaninsight.com/2021/07/20/bulgaria-censured-for-expelling-turkish-journalist-fleeing-arrest/>

July 20, 2021 - Svetoslav Todorov, Sofia, BIRN

Bulgaria violated the European Convention on Human Rights by expelling a Turkish journalist and other refugees and migrants without assessing the threats they faced, the European Court of Human Rights ruled.



A refugee waits near the Pazarkule Border gate early morning at the Turkish-Greek border, in Edirne, Turkey, 04 March 2020. EPA-EFE/SEDAT SUNA

Bulgaria's actions in handing back a journalist wanted by the Turkish authorities in 2016 were unlawful and were part of the systematic expulsion of refugees and migrants with no examination of the risk of torture, inhuman or degrading treatment, the European Court of Human Rights decided on Tuesday.

The Bulgarian state was ordered to pay the journalist 15,000 euros in damages. The court in Strasbourg found that he was forced to leave Turkey amid a widespread crackdown in the aftermath of a failed coup in July 2016.

"I was working as a journalist in the town of Bozova. After the attempted coup, I was dismissed from the newspaper. I changed address and found out that the police had been looking for me at my former address," said the journalist, according to the court's legal summary of the case.

Along with eight other refugees from Turkey and Syria, he was captured in a truck at the Bulgarian-Romanian border on October 14, 2016.

Despite expressing his fear of return, at no point did the Bulgarian authorities assess the risk of torture, mistreatment and further political persecution, the court ruling said.

He was not granted access to a lawyer or interpreter. He was returned to Turkey within less than 24 hours.

Upon arrival, he was detained, and in December 2019, sentenced to seven-and-a-half years in prison for membership of a terrorist organisation.

According to the European Court of Human Rights, the Turkish verdict was largely based on the fact that he had the messenger application Bylock installed on his mobile phone. The app is used by the movement led by cleric Fethullah Gulen, which the Turkish government claims was behind the attempted coup and regards as a terrorist organisation.

“The ECtHR’s decision provides belated but important satisfaction for the applicant. It sets a strong counterpoint to Bulgaria’s longstanding practice of denying refugees protection from persecution and handing them straight back to their persecutors,” said the journalist’s lawyer, Carsten Gericke.

There has been no immediate official reaction from Bulgaria to the court’s ruling.

A BIRN investigation in October 2019 found that over 250 Turkish citizens requested asylum in Kosovo, Bosnia, North Macedonia and Bulgaria following the failed coup in Turkey.

Bulgaria's Parliament appoints committees on Rosenets, police violence, former government

<https://sofiaglobe.com/2021/07/22/bulgarias-parliament-appoints-committees-on-rosenets-police-violence-former-government/>

July 22, 2021 - Written by The Sofia Globe staff on in Bulgaria

At its frequently stormy second sitting on July 22, Bulgaria's new National Assembly voted to set up ad hoc committees to investigate the Rosenets controversy, police violence during last year's anti-government protests, and to resume the committee probing alleged abuses in the use of funds by the previous government in the past five years.

The ad hoc committee on Rosenets was proposed by Democratic Bulgaria, whose co-leader Hristo Ivanov last summer attempted a beach landing near the mansion of Movement for Rights and Freedoms founder Ahmed Dogan, only to be chased away by National Protection Service staff, one of whom threw Ivanov's Bulgarian flag to the ground.



Dogan's seaside mansion at Rosenets. Photo via Democratic Bulgaria.



National Protection Service staff wrestle Democratic Bulgaria's Ivailo Mirchev back to the shore during the confrontation at Rosenets.

The committee, to be headed by Democratic Bulgaria's Kaloyan Yankov, will investigate the actions of state bodies and whether police actions during protests at Rosenets were lawful.

During debate on the motion to set up the committee, the MRF sought to deflect the thrust of the proposal by putting forward an amendment to also probe whether spatial planning legislation had been violated on the Budjaka Peninsula near Sozopol.

The MRF proposal, targeted at Bulgarian-language media publisher Ivo Prokopiev, was rejected, after Ivanov accused the MRF of attempting a filibuster and trying to kill off the Democratic Bulgaria proposal with procedural tricks. While the debate and vote on the Rosenets committee was largely a confrontation between Democratic Bulgaria and the MRF, that on setting up a committee to investigate police use of force, tear gas and other means during anti-government protests in July and September last year became a clash between the "protest parties" and Boiko Borissov's GERB-UDF group.

The ad hoc committee, proposed by Nikolai Hadzhigenov and others from the "Rise Up Bulgaria! We're Coming" group (formerly "Rise Up! Mobsters Out!") will also investigate the use of surveillance of the anti-government protesters, opposition leaders and members of the political parties in opposition at the time.

When Mladen Marinov, the former Interior Minister who is now a GERB MP, said: "I didn't see police beating peaceful protesters" there was an uproar from most in the House. When GERB nominated Marinov to be a member of the ad hoc committee, initially there was laughter, followed by an acrimonious argument after the Bulgarian Socialist Party proposed voting on his nomination separately – resulting in him being barred from the committee. Those who wanted him barred from the committee argued that as a former Interior Minister, he would be in a conflict of interest if he served on it. GERB countered that the move to block Marinov was a violation of Bulgarian parliamentary practice, adding that those who had participated in the protests and now would be on the committee would similarly be in conflict of interest.

Toma Bikov, GERB's other nominee to the committee, said that he would not participate in it, following which the GERB group walked out of the House. In the lobby, the GERB parliamentary group held a news conference, with Dessislava Antassanova saying that a new low had been reached by the "new barbarians" in the National Assembly.

The next item was the establishment of an "audit committee" to "establish abuses and violations in the spending of funds by the Cabinet, ministries, state bodies, state and municipal enterprises, companies with more than 50 per cent state and municipal participation and local authorities in the past five years". To be headed by Maya Manolova of the "Rise Up Bulgaria! We're Coming" group, this is a resumption of the ad hoc committee that had the same mandate in the short-lived 45th National Assembly.

Bulgaria's SJC rules as inadmissible request to sack Prosecutor-General

<https://sofiaglobe.com/2021/07/22/bulgarias-sjc-rules-as-inadmissible-request-to-sack-prosecutor-general/>

July 22, 2021 - Written by The Sofia Globe staff in Bulgaria



Bulgaria's Supreme Judicial Council (SJC) decided on July 22 that the request by caretaker Justice Minister Yanaki Stoilov to dismiss Prosecutor-General Ivan Geshev was inadmissible. After a seven-hour debate, the SJC vote showed 12 members in favour of declaring the request inadmissible and eight against.

The motion did not cite any specific legal grounds for the inadmissibility and at least one of the members that voted against the motion said that they wanted the SJC to list the reasons for its decision in the ruling.

Stoilov's request, tabled last week, claimed that Geshev repeatedly breached the magistrates ethical code and brought the judiciary into disrepute. He claimed that the Prosecutor-General broke the law by making contents of wire-taps public and abused his powers ordering the search of the Presidential building last year.

Geshev defended his track record in office, saying that his actions were legal and describing the request for his dismissal as politically-motivated, but lacking in legal grounds.

The bulk of the debate preceding the vote was devoted to procedural questions on whether Stoilov had the authority as justice minister to make the dismissal request, but some members also spoke about the substance of Stoilov's request.

After the debate, Stoilov proposed that the SJC vote on the substance of the proposal, but several SJC members protested, saying that the admissibility issue had to be addressed first.

Kosovo

Kosovo Court Convicts Serb Ex-Policeman of Wartime Rape

<https://balkaninsight.com/2021/07/05/kosovo-court-convicts-serb-ex-policeman-of-wartime-rape/>

July 5, 2021 - Xhorxhina Bami, Pristina, BIRN

In what was hailed as a ‘historic’ verdict, former Serb policeman Zoran Vukotic was sentenced to ten years in prison for committing rape and participating in the expulsions of ethnic Albanian civilians during the war in 1999.



Zoran Vukotic (standing) at Mitrovica Basic Court during his trial in a separate case in 2018. Photo: BIRN.

Pristina Basic Court of Pristina handed down its first-ever conviction for wartime sexual violence, sentencing former Serb policeman Zoran Vukotic to ten years in prison – a verdict that was hailed as a landmark by campaigners.

Vukotic was convicted of committing rape and participating in the expulsions of ethnic Albanian civilians from the town of Vushtrri/Vucitrn on May 22, 1999. The indictment said that he raped his victim “as part of a broad and systemic attack on ethnic Albanian women”.

Justice Minister Albulena Haxhiu hailed the verdict. “This is very good news for all victims of sexual violence of war, for citizens but also for the history and future of Kosovo” Justice Minister Albulena Haxhiu wrote on Facebook.

Vukotic is already serving a six-and-a-half-year sentence for war crimes after being found guilty in another case in May 2018. He was convicted of illegally detaining, beating and torturing ethnic Albanian inmates at the Smerkonica prison in the Mitrovica region from May to early June 1999.

The former policeman was extradited from Montenegro to Kosovo in November 2016.

Shyhrete Tahiri-Sylejmani, one of the only survivors of sexual violence during the 1998-1999 war in Kosovo who has publicly told her story of rape by Serbian forces in October 2019, also welcomed the ruling. "Today starts a new era, justice for our soul and, I can freely say, justice for the criminal, who is in a prison cell where a new era will begin for him as well," Tahiri-Sylejmani told media.

The Kosovar Rehabilitation Centre for Torture Victims called Monday's ruling a historic moment for Kosovo that will influence other victims to testify in court, as well as bringing hope to those who are waiting for justice.

"It is an extraordinary day, a historic day because it is the first time in Kosovo that our local courts are convicting someone of such a crime," Sebahate Pacolli-Krasniqi, project coordinator at the Kosovar Rehabilitation Centre for Torture Victims, told media.

However, Fatmire Haliti, a legal expert at the Kosovar Rehabilitation Centre for Torture Victims, told media that the NGO and the survivor are not pleased with the court's decision because "such a crime against the victim deserves more than ten years in prison", and vowed to challenge the first-instance ruling. "We will file our complaints with the special prosecution and together we will make a request to the Court of Appeals for an increase in the sentence for that convict," Haliti said.

Kosovo Parliament Passes Resolution Condemning Srebrenica Genocide

<https://exit.al/en/2021/07/07/kosovo-parliament-passes-resolution-condemning-srebrenica-genocide/>

July 07, 2021 - From: Exit News



On Wednesday, Kosovo parliament passed a resolution condemning the Srebrenica Genocide of July 1995, during which the Bosnian Serb army killed more than 8,000 Bosniak civilians in 10 days. The vote for the resolution initiated by the Bosniak coalition Vakaf in the Kosovo parliament was boycotted by the Serb List party.

The resolution condemns the Srebrenica genocide, and any deliberate public denial of it that denigrates victims and tries to conceal the motives behind the massacre. It urges Kosovo institutions to honor victims, and for the July 11 to be designated Srebrenica Genocide Remembrance Day, in accordance with such designation by the European Parliament. Prime Minister Albin Kurti called the adoption of the resolution “a noble and proper action.” He said that this was the biggest massacre in Europe since the end of the First World War, adding that similar acts must be punished so as to avoid repetitions in the future.

The Serb List party in Kosovo condemned the resolution for allegedly attacking Serbs, and harming relations between nations in the region. In their statement, they said the resolution was a result of “envy” due to “the daily strengthening of our state [Serbia]”.

Last month, Montenegro also passed a resolution condemning the Srebrenica Genocide, after the parliament sacked a minister for denying the genocide.

Kosovo government is preparing to file a genocide lawsuit against Serbia with the International Court of Justice.

Kosovo Ex-Minister Indicted for Hiring Firm to Promote Border Changes

<https://balkaninsight.com/2021/07/07/kosovo-ex-minister-indicted-for-hiring-firm-to-promote-border-changes/>

July 7, 2021 - Perparim Isufi, Pristina, BIRN

Former European Integration Minister Dhurata Hoxha faces charges of abuse of office over a contract signed with a French PR company which, BIRN discovered last year, was hired to promote territorial exchanges as a solution to the dispute with Serbia.



Dhurata Hoxha. Photo: BIRN

Kosovo's Special Prosecution has filed an indictment against former Minister for European Integration Dhurata Hoxha and four current and former officials of the ministry over a contract that saw budget money spent on a Paris-based PR company that promoted Kosovo's "territorial modification" as a way to solve the Kosovo- Serbia dispute two years ago.

In a press release issued on Wednesday, the prosecution did not provide details of the indictment but specified that Hoxha and four others are suspected of abuse of office.

In a statement to BIRN, Dhurata Hoxha said she was not informed about the indictment. "I am not aware, I am not informed. I do not feel guilty for anything, I am not informed," Hoxha said in a comment immediately after the indictment.

In May 2020, BIRN discovered that the Ministry of European Integration allocated 168,000 euros on hiring French company Majorelle PR & Events in a contract first signed and negotiated in 2018 by Hoxha, then Kosovo's European Integration Minister, from the Democratic Party of Kosovo, PDK, in the PAN coalition government led by Ramush Haradinaj. It was extended in March 2019.

The company did not reply to BIRN's request for comment at that time.

The documents obtained by BIRN showed that the company was tasked among other things with shaping European opinion in favour of Kosovo's "territorial modification" as a means to achieve a Kosovo-Serbia peace deal.

The deal would have seen some Serb-majority areas in the north of Kosovo joining Serbia, with Albanian-majority areas in southern Serbia going the other way.

The border change option – which triggered sharp reactions both inside and outside Kosovo – was first raised by former Kosovo President Hashim Thaci, who is now in The Hague waiting trial after the Specialist Prosecution filed an indictment against him and three other former members of the Kosovo Liberation Army, KLA, for war crimes and crimes against humanity allegedly committed during Kosovo's 1998-99 war.

Kosovo Parliament Dismisses Board of Public Broadcaster

<https://exit.al/en/2021/07/08/kosovo-parliament-dismisses-board-of-public-broadcaster/>

July 08, 2021 - From: Exit News



On Thursday, the majority in Kosovo's parliament dismissed all members of the public broadcaster RTK.

The 8 board members – Sali Bashota, Agron Gashi, Lirim Geci, Ilir Bytyqi, Albinot Maloku, Bajram Mjeku, Petrit Musolli, and Fadil Miftari – were dismissed following a parliamentary vote against RTK's annual report.

MP Armend Muja of the ruling Vetevendosje party argued that the board has not allowed for a financial auditing of the institution. He added that since 2015 they have failed to propose to the parliament alternative ways to fund the institution, while debts have accumulated to nearly €4.5 million.

The opposition denounced the dismissals as violations of the law and accused the majority of attempting to take the public broadcaster under its political control.

In a press release, the RTK Board called the move political, unlawful, and a violation of media freedom. They called on domestic and international media organizations to come to their defense.

Moldova

Abrogation of law that authorized sale of site of former Republican Stadium to U.S. Embassy unconstitutional

https://www.ipn.md/en/abrogation-of-law-that-authorized-sale-of-site-of-former-7967_1083413.html

July 29, 2021



The law of December 3, 2020 by which the law of 2018 that authorized the sale of the site of the former Republican Stadium to the United States for construction of a New Embassy Compound was revoked was declared unconstitutional.

The Constitutional Court pronounced following the examination of three challenges filed by MPs of the Democratic Party, the Party “Dignity and Truth Platform” and the Party of Action and Solidarity, who disputed the law adopted by the parliamentary majority consisting of MPs of the Party of Socialists and the For Moldova Platform, invoking the violation of the parliamentary procedure, of international law norms and the absence of preliminary Government appraisal, IPN reports.

The Court held that the principle of political pluralism in the lawmaking process implies that Parliament should enable the parliamentary opposition to take part in the adoption of laws.

This way, even if the parliamentary majority has a common view on the necessity of a law and its votes are enough for adopting his law, in discussions the majority should ensure the right of the opposition MPs to take part by formulating questions and proposals to the bill.

The Court noted that in this case, the period of time offered by Parliament for formulating proposals and amendments to the challenged bill when this was given a first and second readings is insufficient, given the object of the disputed law.

Parliament can set time limits for the submission of amendments, which should be reasonable, so as to enable the MPs to analyze the content of bills and to formulate amendments.

The decision is final, cannot be challenged, takes effect when it is adopted and is published in the Official Gazette.

Last week, the CC rejected as inadmissible the application of Socialist MPs Grigore Novac, Vasile Bolea and Alexandr Suhodolski to determine the constitutionality of Law No. 151 of October 4, 2018 concerning the sale of the site of the former Republican Stadium to the United State for construction of a New Embassy Compound.

Montenegro

Government to overturn bilateral immunity agreement with US

<https://m.cdm.me/english/govt-to-overturn-bilateral-immunity-agreement-with-us/>

July 05, 2021 – Dan



FOTO: Vlada Crne Gore (Arhiva)

According to the Information on the state of EU accession negotiations – a part of the document referring to Chapter 31 (foreign and security policy) – adopted at the latest government session, the Government of Montenegro seeks for the commonly accepted model in order to find the most appropriate procedures for striking down a bilateral immunity agreement with the US.

“The goal of these coordinated activities will be to find a solution acceptable for both sides, which would contribute to a successful closing of the determined measure,” the government’s document suggests.

In May 2007, Montenegro signed the Status of Forces Agreement, SOFA, with the US, regulating temporary residence of US military personnel on the Montenegrin territory.

North Macedonia

North Macedonia to Toughen Penalties for Attacks on Journalists

<https://balkaninsight.com/2021/07/28/north-macedonia-to-toughen-penalties-for-attacks-on-journalists/>

July 28, 2021 - Sinisa Jakov Marusic, Skopje, BIRN

Attacks on journalists will now be treated with the same severity as attacks on police officers, North Macedonia's Justice Ministry said, presenting draft changes it expects parliament to pass in autumn.



North Macedonia's Justice Minister, Bojan Maricic. Photo: gov.mk

Newly envisaged penalties for assaulting a journalist or a media worker adopted by North Macedonia's government on Tuesday will be from three months to three years in jail, the same as for assaulting a police officer, the Justice Ministry said.

"After adoption by the government, we will immediately process these changes to parliament. I expect parliament to pass these changes right after the summer break", meaning early autumn, Justice Minister Bojan Maricic said.

The minister said the changes mean in practice that authorities will treat cases where journalists are prevented from doing their job or are attacked the same way as they treat assaults on police officers. Accordingly, the prosecution will process these cases ex officio.

Another change the minister announced is the planned reduction of defamation fines for journalists, editors and media outlets through amendments to the Law on Civil Responsibility.

“The defamation fines for journalists and editors will be five times lower, and for media outlets they will be three times lower [than before],” Maricic wrote.

If these changes pass, a journalist who loses a civil court case for defamation will pay a maximum fine of 400 euros instead of the current maximum of 2,000 euros, which is in many cases equal to or more than four average monthly salaries for a journalist.

For editors, the maximum fine will decrease from 10,000 euros to 2,000, and for the media outlets, the sum should fall from the current maximum of 15,000 to 5,000 euros. The third announced change that affects journalists is the planned introduction of the criminal offence of stalking. This will envisage fines or jail sentences for stalkers who not only physically endanger or threaten their victims but also do that online.

The maximum sentence for this offence will be three years in jail.

A new study, “Media Pluralism Monitor 2021”, published by the Centre for Media Pluralism and Media Freedom at the European University Institute earlier this month, states that some things have improved for the media in North Macedonia compared to 2016, the last year in power of the former authoritarian PM Nikola Gruevski, who was ousted in 2017.

The report notes that media freedoms in North Macedonia during 2020 were broader, and that journalists and their associations are no longer exposed to serious physical attacks and pressures.

The ministry said the changes are being made not only to increase the security of the journalists but also to prevent online stalking and abuse of private data. The recent so-called Telegram scandal revealed the recurring existence of a Telegram group sharing explicit pictures and videos of women and girls.

Sources

Media sources that are regularly read and used for the compilation of this Press Review include inter alia:

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